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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-seventh session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 69th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 19 November 2001, at 10.55 a.m.

Chairperson: Mr. RIEDEL
(Vice-Chairperson)

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* No summary record was prepared for the first part (closed) of the meeting.

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In the absence of Ms. Bonoan-Dandan, Mr. Riedel, Vice-Chairperson, took the Chair

The public part of the meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Croatia (E/1990/5/Add.46; E/C.12/Q/CRO/1; written replies to the list of issues, prepared by the Government of Croatia (document without a symbol); HRI/CORE/1/Add.32/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Croatia took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Croatia on behalf of the Committee, and invited the permanent representative of Croatia to the United Nations Office at Geneva to take the floor.

3. Ms. CEK (Croatia) introduced the members of the delegation, and expressed confidence that their dialogue with the members of the Committee would be cordial and fruitful.

4. Mr. ŽGANEC (Croatia) said that his country attached great importance to the work of the Committee. The Government of Croatia was making the utmost efforts to solve the problems of unemployment, poverty and social exclusion which currently beset all societies. The country's economic circumstances required new economic and social policies with a view to creating a modern society as a basis for sustainable development in the current globalization process. Not that it viewed economic development in isolation or in disregard of basic human rights; on the contrary, it was aware of the importance to development of each individual's enjoyment of human rights, and of the need to harmonize development with the promotion and protection of those rights.

5. In addition to submitting its initial report (E/1990/5/Add.46), Croatia had supplied additional information in response to questions put by the Committee. He wished to supplement those written replies with some more recent information and to draw the Committee's attention to the Government's ongoing work concerning rights set forth in the Covenant.

6. Some of the reforms of society and the economy were already complete; others, especially with regard to social security and the social welfare systems, were still under way. The latter system, formerly organized and funded almost entirely at State level, being decentralized, and social welfare was now financed partly by the State and partly by local and regional authorities. Any regional shortfalls were offset by funds from the State budget. Another outcome of the recent amendments and supplements to the Social Welfare Act was

that directors were now appointed by the regional managing council instead of by the minister. Such changes were expected to enhance the involvement of the local community and develop cooperation with other local stakeholders. A new law, to be enacted in 2002, would completely decentralize the social welfare system.

7. In July 2000 Parliament had defined its new policies on reform of the health care and health insurance system, and a new Health Care Insurance Act would enter into force on 1 January 2002. The existing system for financing health care outlined in the initial report, had proved ineffective and had led to over-spending. One priority would be to develop new financing models which would ensure optimal health care, based on equal availability and recognition of the right to health as a basic human right. A mixed model was being adopted which, at State level, provided basic health insurance for all citizens, services outside the standard package being financed by individual additional health insurance policies. Introduction of the mixed model had necessitated the identification of a standard package of services to be funded from basic health insurance, in line with what other European countries provided, having regard to good medical practice and the financial resources available.

8. As shown in the initial report, reform of the pension system had been completed, but its success would depend on progress made in overcoming the problem of unemployment. The number of job-seekers in October 2001 had been 6.9 per cent higher than in October 2000 and the rate of registered unemployment was now 22 per cent. During the period in question, the highest number of unemployed (388,000) had been registered in February and the lowest (364,000) in June, reflecting seasonal fluctuations. Information and communications technology was being introduced in all sectors of the Croatian Employment Service, which was trying to become more customer-oriented. There were also proposals for new laws on employment, including that of foreigners. Labour market policy was being decentralized as far as possible, and special attention given to the education of employees.

9. In an age of information technology the right to education had gained in importance, and educational systems must adapt accordingly. In Croatia the right to education was guaranteed to all and regulated by separate laws, all of which had been amended, supplemented or enacted between 1997 and 2001. Under a 1997 Act, pre-school care had been brought completely into the education system for the first time. Primary education, compulsory and free for all, covered some 405,000 pupils. Funds were available to enable poorer pupils to purchase text books. Some 20,000 primary school pupils needed social assistance, and in 2001 the Government had provided 8 million Croatian kuna for textbooks for them. Roughly 200,000 pupils were receiving secondary education, which was available to all who completed primary school. Enrolment had fallen slightly in recent years, possibly because of a fall in the number of immigrants and returnees. In order to improve the quality of education, the Ministry of Education and Sport was to draw up new criteria based on the existing school network and individual local circumstances. Although programmes and schools might be rationalized in areas with fewer pupils, none would be abolished.

10. Children with developmental difficulties were integrated in regular schools offering special programmes carried out in cooperation with the Ministry of Health, the Ministry of Labour and Social Welfare and social welfare institutions. A lifelong adult education system was available for those who had not successfully completed primary education, wished to change their occupation or decided to embark on secondary education later in life.

11. All religious communities could now take denominational religious education as an optional subject in primary and secondary schools. The education of members of national minorities was regulated by the Education in the Language and Script of National Minorities Act, and they were entitled to education in their own language from pre-school to higher education levels. Members of national minorities could choose one of three models for that purpose. The minorities which received education in their native language included the Hungarian, Italian, Serbian, Czech, Slovak, Ukrainian, Ruthenian and German national minorities, with full funding by the Republic through the Ministry of Education and Sport. The Albanian, Jewish, Bosniak, and other minorities had organized means of safeguarding their linguistic, religious and cultural identity, co-financed by their associations.

12. The Roma, a minority with characteristics unlike any other, were covered by the school system and other additional programmes. Because of difficulties encountered in standardizing the Roma language, Roma children were educated in Croatian schools, pre-school teaching being organized with Roma associations, kindergartens and primary schools. Some programmes were completely State-financed and some co-financed. Since some 90 per cent of such pupils were also on social welfare, a large amount of funding went on textbooks, scholarships and residence fees. In 2000 the Ministry of Education and Sport had also provided 45 scholarships enabling Roma pupils to attend secondary and higher education. The State also funded the printing of textbooks in national minority languages; about 4 million kuna were provided annually for basic and special programmes. An annual total of 4 to 5 billion kuna was spent on capital investment and the running costs of education.

13. Ongoing improvements in higher education were reflected in the initial report. The country had 87 public colleges of higher education and 10 accredited private colleges of further education. A total of 120,000 students had been enrolled in higher education in the academic year 2000/2001. There had been 13,507 graduates in 2000. University studies had a noticeably higher success rate than vocational studies. It seemed that difficulties in finding employment discouraged students from finishing their studies quickly; the average length of time spent at university was some seven years, and for vocational studies about five years. It was estimated that one in three students successfully completed their courses. As part of the funding for public higher education institutions, the State budget also provided assistance for students' educational and living expenses. Since the 1996/97 academic year, the Ministry of Science and Technology had offered 1,000 State scholarships annually; over the four academic years, 5,100 scholarships had been awarded. Higher education also involved international cooperation, through bodies such as the Council of Europe, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and university chancellors' conferences.

14. On 18 May 2001 Croatia had signed the Bologna Declaration on the European space for higher education, thereby promoting student exchanges, a measure of particular advantage to a small country such as Croatia. Croatia paid particular attention to bilateral scientific and technological cooperation, and arranged student and teacher exchanges through the Central European Exchange Programme for University Studies (CEEPUS).

15. The CHAIRPERSON invited members of the Committee to ask questions relating to the general information provided and the written replies to issues Nos. 1-4.

16. Mr. AHMED said that the economy was of great importance to the implementation of human rights, especially for newly established States. Mention had been made of Croatia's programme to privatize industry and business, and he wondered how successful that programme had been. According to an analysis by the Economist Intelligence Unit (EIU), Croatia's privatization schemes had involved inviting employees to buy company shares by instalments; if they had lacked the resources to do so, the Government had provided assistance through its privatization fund and the State pension fund. The effect of that, however, was that no new capital had been generated and the privatization process had stalled. How accurate was that assessment, and did it apply to the privatization programme as a whole or only to certain parts of it?

17. The Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia had expressed concern at the enormous backlog of cases, which was paralysing the Croatian judiciary. More than 1 million cases were currently pending and that state of affairs, along with exorbitant court fees that placed judicial remedies out of the reach of returnees and other Croatian citizens, was jeopardizing the public's faith in the judicial system. The enjoyment of human rights required the existence of a dependable justice system: he wondered whether there was still a backlog of cases and whether high fees were still preventing the poor from obtaining judicial remedies.

18. Mr. SADI asked to what extent the Government had been guided by the Covenant in formulating the new policies and reform measures in the areas of social security and social welfare mentioned in the opening statement. He also asked whether there was any ethnic dimension to the decentralization programme.

19. To what did the Government attribute the high rate of unemployment? Could the reason be that Croatia was still going through the process of nation-building following the war and was still not fully organized in political and economic terms?

20. Lastly, there were so many ethnic groups in the country that ensuring harmony among them seemed to him a well-nigh impossible task: was there in fact harmony among them and if so, what was Croatia's recipe for success?

21. Mr. MALINVERNI said that the question of minorities was of great importance in any multi-ethnic society and particularly in countries such as Croatia and its neighbours: indeed, it had been at the heart of the conflicts in the region. Referring to the Government's reply to issue No. 4, he found it strange that the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia should have

been suspended without the enactment of new legislation to take its place, since that had left the situation of minorities unregulated for a period of time. There must have been very serious circumstances to warrant such a suspension and he would like to know what they had been.

22. He understood that protection was in any case provided only for minorities accounting for a minimum of 8 per cent of the population: that percentage appeared rather high and he would like to know what protection was provided to smaller minorities. In view of the final paragraph of the Government's reply to that issue, he would also like to know whether new legislation had yet been adopted and what protection was now provided for minorities in general, as opposed to the linguistic minorities mentioned in the State party's presentation of its report.

23. Mr. ATANGANA asked how the Government intended to rectify the shortcomings in the judicial system, including the high fees and the shortage of personnel, particularly judges. He would welcome some information on training methods and recruitment plans.

24. Ms. CEK (Croatia), replying to Mr. Ahmed's question, said that privatization had been a painful process and was still continuing. Croatia had been a part of the former Yugoslavia, whose system of ownership had differed from the system in certain other countries in one major respect: property had been owned, not by the State, but by the workers. When, in 1991, Croatia had embarked on the first phase of its privatization programme, the main problem had been, therefore, to motivate workers to buy shares in what, after all, were companies they already owned, and they had been invited to do so at a large discount and on very favourable credit terms. The revenue raised was to be reinvested in the companies.

25. Formally speaking, all companies had now been privatized, although the transition had naturally been more successful for some than for others. The main share in each company had gone to current and former employees, and a contingency fund had been placed with banks and financial institutions, as a precaution in view of the poor economic situation that had prevailed before 1991. Former owners whose companies had been nationalized under the old regime in the former Yugoslavia had also been given the opportunity to re-acquire a share in their property. The second phase, privatization of public utilities, was now under way.

26. Privatization had offered the Government the opportunity to generate investment capital to put into Croatia's companies at a time when there had been little interest among foreign investors as a result of the war. Now that Croatia's economy had been liberalized, foreign investment was flowing back into the country.

27. Mr. ŽGANEC (Croatia) said that the mistakes that had been made in the first 5 to 10 years of privatization had left a difficult legacy. For example, monopolies were beginning to spring up, and although there had been calls for the new Government to review the privatization process, legal problems made that impossible in certain sectors.

28. Ms. KARAJKOVIĆ (Croatia), replying to questions from Mr. Ahmed and Mr. Atangana, said there was indeed a backlog of 1 million cases pending in the courts. That, together with the inefficiency of the courts, was the most acute problem facing the Croatian judicial system, since it meant that that the courts did not provide sufficient legal protection, either to natural or to legal persons. Croatia had still not fully implemented the principle of the rule of law, and was not

fulfilling its commitments as a member of the Council of Europe and a State party to the European Convention on Human Rights - among them a commitment to ensuring that court decisions were delivered within a reasonable time. Legislation had recently been enacted to ensure speedier settlement of pending court cases. The Ministry of Justice, Public Administration and Local Self-Government had also started work on amendments to the Civil Procedure Act in order to improve efficiency by speeding up proceedings and tightening up procedural discipline, particularly with regard to deadlines for submitting allegations and evidence.

29. She did not fully agree with Mr. Atangana that there was a shortage of judges: the problem was rather that many of Croatia's judges were young and lacked experience. The Ministry of Justice had established a centre for the training of judges and law enforcement and judiciary officials, which had started work early in 2000. It provided professional training through a variety of activities aimed at familiarizing officials with new domestic legislation, European and international law and the new technologies used in performing judicial tasks. Seminars to be held during 2001 would address themes such as contemporary information and communication methods, psychological and legal aspects of civil and criminal trials, combating corruption and organized crime, and the independence of the judiciary. Under a technical assistance and cooperation agreement signed with the Office of the United Nations High Commissioner for Human Rights in May 1999, seminars on those issues had been organized and a workshop on reporting obligations under the two International Covenants had been held.

30. The Government of Croatia was working in cooperation with the Council of Europe to implement a programme to disseminate information about fundamental human rights. An advisory committee, whose members included representatives of the judiciary and law school professors, had been created to recommend the legislative amendments that were needed to bring Croatia's law into conformity with the European Convention on Human Rights. The committee also organized seminars to raise public awareness of developments in that field.

31. In reply to a question by Mr. Ahmed, she said that the Croatian Bar Association organized free legal aid for those who could not afford to pay the high court fees; and in criminal proceedings the services of counsel for the defence were available at no cost to the defendant.

32. Mr. ŽGANEC (Croatia) said that the State party's aim of implementing all the rights enshrined in the Covenant and other conventions was unattainable under the current centralized system. A major programme to decentralize the system of public administration was under way, particularly in the fields of social welfare, health, education and culture. To the best of his knowledge, there was no ethnic dimension to the decentralization programme.

33. Ms. CRNKOVIC (Croatia) said that, while unemployment was a problem in Croatia, the unemployment figure of 22 per cent provided by the Government was misleading. Under Croatian law, a person was considered to be employed only if he or she had a formal labour contract and paid social security contributions to the State. In fact, about a third of the registered unemployed were working under other types of contract and many were not actively seeking work. The Government was trying to align the criteria it used to assess the unemployment situation with those used by the International Labour Organization (ILO), which had placed the

unemployment figure at 15.3 per cent. A new labour law was being prepared and organizational changes were planned which, it was hoped, would allow the State party to assess the situation more accurately. The unemployment rate had remained consistently high in Croatia for several reasons. First, high labour costs had proved a barrier to foreign and other investment. Second, labour supply continued to outweigh demand. Third, a State-dependent mentality hindered entrepreneurial activity. Finally, government investment services continued to be inefficient. The Government was aware of such obstacles and had implemented measures to address the situation; for example, a ministry had been created specifically to stimulate entrepreneurial growth. Progress was slow, however, and government funding was not readily available. Raising the contributions paid by workers to invest in labour market policies would, in turn, increase the cost of labour even further.

34. Ms. KARAJKOVIĆ (Croatia) said that the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities had been amended in May 2000. The Law was still in force, and would remain so until the new constitutional law on minority issues was adopted. In reply to a question by Mr. Malinverni about the requirement that minorities constitute 8 per cent of the population in order to qualify for protection, she agreed that the figure was too high; both the Government and the Ministry of Justice had proposed that the new constitutional law should provide protection for groups representing over 6 per cent of the population. Croatia was home to many minority groups; they were represented by and cooperated through associations, which helped them to live in harmony. On the suggestion of the Venice Commission, a Council of Minorities had been established, comprising representatives of all the minority groups. A government department provided financial and technical aid to minorities.

35. The CHAIRPERSON asked for further information about the national programme for human rights that was being prepared in keeping with the recommendations of the World Conference of Human Rights (issue No. 2). Were the 1991 Paris Principles being duly taken into account in the preparation of the programme?

36. Mr. SOČANAC (Croatia) said that the Government had launched a comprehensive national programme for the protection and promotion of human rights, involving experts from all relevant fields. The programme would be in place by early 2002. It had also established a governmental commission on human rights, comprising representatives of all the relevant ministries and of non-governmental organizations (NGOs), to improve the human rights situation in Croatia, for instance, by organizing seminars, publishing journals and contributing to a university programme on human rights.

Articles 1-5

37. Ms. BARAHONA-RIERA said she would welcome further information about the efforts that had been made to ensure the equal rights of men and women. The State party should provide an evaluation of the National Policy for the Promotion of Equality referred to in paragraph 188 of the initial report (E/1990/5/Add.46). It would be interesting to know which institution was responsible for implementing the policy and the status that institution held within the Government. What proportion of the budget had been allocated to the implementation of the policy? She also expressed concern that women still found it more difficult than men to find

work. What difficulties had the Government faced when addressing the problems experienced by women? Had any legislative amendments been made to enable Croatia to comply with the international human rights conventions it had ratified?

38. Mr. MALINVERNI expressed concern that Croatian nationals of Serbian descent continued to face discrimination. A report by the Office of the United Nations High Commissioner for Refugees (UNHCR) indicated that unemployment rates were higher than average among that particular group and that ethnic Serbs often experienced difficulties in obtaining valid identity papers. Some 50,000 to 60,000 Croatian Serb households who had fled during the war were now deprived of their homes. By law, the current occupiers of abandoned houses had to be re-housed before the rightful owners could reclaim their property, which was often a very slow process. The Constitutional Court had decided that such a provision was not in conformity with the Constitution, and a relevant case had been declared admissible by the European Court of Human Rights; yet no action seemed to have been taken to enforce the decision. What measures were going to be taken to ensure that the Court's decision was implemented?

39. Mr. AHMED said he failed to understand why people of Serbian origin returning to Croatia should be obliged by law to settle the debts of the Croatians who had been occupying their homes. In May 2001, the Organization for Security and Cooperation in Europe (OSCE) mission to Croatia had concluded that the Croatian legal and administrative system for the return of refugees and displaced persons had left an unclear patchwork of rules, regulations and laws, creating an effective barrier against return. Despite the efforts of the Federal Government, it seemed that the local authorities impeded the implementation of rights under the Covenant. According to a United States Department of State report on human rights, a pattern of open and severe discrimination continued against ethnic Serbs. He also failed to understand why Muslims, Albanians and Slovenians had been omitted from the list of minorities in the Constitution on the grounds that they were not considered indigenous groups, although Muslims were the second largest minority group in Croatia after the Serbs.

40. According to Amnesty International, although the security situation for Croatian Serbs had improved, sporadic incidents of ethnically motivated violence had continued to be reported in 2000. Two Croatian Serbs had recently been killed and although the police had arrested the suspects, they had not been charged. What could the Government do to improve the situation, and when would it act?

41. Mr. WIMER ZAMBRANO said he would like to know the legal and social implications of the decision by the Croatian Parliament to exclude Muslims, Albanians and Slovenians from membership of that body, and what was the basis for such exclusion. That part of the world was a patchwork of ethnic groups, and it would surely be difficult to determine historically which groups were indigenous and which were not. What, moreover, was the status of persons with mixed ethnic backgrounds, and of those with a right to the nationality of more than one State?

42. Mr. SADI said he understood that Croatia had concluded bilateral agreements with Hungary and Italy on the treatment of minorities. He would like to know why it had singled out certain minorities for protective treatment, since that approach discriminated against other minorities.

43. On the matter of the suspension of certain provisions of the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia, he did not believe that reducing the qualifying percentage from 8 per cent to 6 per cent of the population would solve the problem, since most of Croatia's minorities constituted 1 per cent or less of the population. What was the status of the minorities that did not constitute 6 per cent of the population?

44. He was also concerned by the characterization of Muslims as an ethnic minority. Islam was a religion, and Muslims came from many ethnic backgrounds. He would like to know why the Government of Croatia had chosen to classify persons on the basis of religion, an archaic approach.

45. Mr. GRISSA said that paragraph 44 (c) of the report stipulated that the right to free association was restricted by the prohibition of violent threats to the democratic constitutional order and the independence, unity and territorial integrity of the Republic. Ordinarily, in order to prevent violent acts against itself, a State might, for instance, prohibit stone-throwing during a demonstration. But to restrict trade union freedoms, because trade unions might in the future make violent threats against the State was unacceptable. How could a State predict that the exercise of rights would violate its constitutional provisions?

46. Mr. MARTYNOV referring to article 2, paragraph 1, said that the World Bank had provided about US$ 1 billion to help Croatia create favourable conditions for economic growth during the transition period. Yet, both gross national product (GNP) and industrial production were in decline. It would be helpful to know the Government's view of the impact of the World Bank programme in Croatia, and in particular its effect on the rights protected by the Covenant.

47. Ms. KARAJKOVIĆ (Croatia) said that although women made up more than 51 per cent of the population and comprised over 45 per cent of the labour force, they were still underrepresented in decision-making posts. In the elections of January 2000, the number of female Members of Parliament had, however, risen from about 8 per cent to about 22 per cent of that body. The Deputy Prime Minister and the Government Secretary, but only 2 out of 19 ministers, were women. More than 35 per cent of Ministerial Secretaries were women, but women made up only 20 per cent of the total number of State officials. She had no statistical data regarding the recent local elections. However, several of Croatia's largest cities had women mayors, and others had women deputy mayors.

48. The new National Policy for the Promotion of Gender Equality (2001-2005) envisaged a review of election laws and of the Political Parties Act to promote the participation of women in all aspects of public life. Its measures included encouraging political parties to nominate women candidates, with a view to increasing their participation to 30 per cent by 2004 or 2005. The new policy also envisaged the training of politicians under the "Women Can Do It" regional programme. In addition, the Commission for Gender Equality planned to organize meetings, public debates and round-table discussions on women's position in politics, with a view to raising social awareness of the role of women and doing away with stereotypes. It was also formulating a programme to train managers for associations of disabled women.

49. As of 2002, all commissions, delegations, ministries and other State bodies would be obliged to ensure equal representation of both sexes. All State bodies would also be requested to include in their vacancy announcements an encouragement to women to apply. The Ministry of Health was formulating a plan to increase the number of women managers in the area of health care to at least 30 per cent by 2005. Furthermore, the Ministry of Sports and Education, in cooperation with the Association of Principals, was seeking ways of increasing the number of female principals to at least 40 per cent by early 2002. The Commission for Gender Equality had also asked the Ministry of Science to submit regular reports on the status of women in universities, and on measures it was taking to increase the number of women teaching staff.

50. Despite legislation, women suffered from discrimination in economic life. Women worked mostly in the fields of health care, education, catering and trade services, which were less well paid than fields dominated by men. Women constituted 46 per cent of the labour force, but owned fewer than 33 per cent of registered handicraft businesses. According to research, the number of women owners of small businesses and women managers was very low. Women constituted 52.5 per cent of the unemployed population; in 1993, the number of unemployed women had begun to decrease, but in 1996 it had again started to rise. Most unemployed women had completed secondary education or were skilled or highly skilled workers.

51. The Government would continue to promote female entrepreneurship, by providing financial incentives and disseminating information about the benefits of running a small business. The Ministry of Trade, Small and Medium-Sized Enterprises would administer credit programmes, offering particularly favourable terms for women, and would monitor the results and submit progress reports to the Government.

52. Since education was an important prerequisite for the achievement of full equality and the empowerment of women, the Croatian Government, in cooperation with NGOs, was working to promote ongoing education and vocational advancement for women regardless of age, including courses in entrepreneurship, and professional counselling for owners of small businesses.

53. Lastly, the Croatian Employment Bureau was providing vocational and employment guidance to girls and women, and the Ministry of Labour and Social Welfare was developing a national women's employment policy that would include special measures for women seeking their first job, disabled women and women over 40. Under a new measure, labour inspectors would examine the working conditions of women hired by individual employers.

The meeting rose at 12.55 p.m.